

DOC # 5/68
ADOPTED
4/27/89

FIRST AMENDMENT TO ARBITRATION AGREEMENT

This First Amendment to Arbitration Agreement made this — day of April, 1989, by and between the Boston Redevelopment Authority ("BRA"), a public body politic and corporate created pursuant to Chapter 652 of the Acts of 1960, as amended, and Congress 7 Limited Partnership ("Congress 7"), a Massachusetts limited partnership.

WHEREAS, the BRA and Congress 7 are parties to that certain Arbitration Agreement dated February 13, 1989 (the "Original Agreement"); and

WHEREAS, in accordance with the Original Agreement the BRA designated Mr. Wayne Budd as its arbitrator, but Mr. Budd is unable to continue to serve as such arbitrator; and

WHEREAS, the party-appointed arbitrators had not selected a third arbitrator at the time of Mr. Budd's resignation; and

WHEREAS, based upon their experience under the Original Agreement the BRA and Congress 7 are desirous of providing sufficient time to complete the proceedings contemplated by the Arbitration Agreement;

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties agree that the Original Agreement is hereby amended as follows:

1. Paragraph 4 of the Original Agreement is hereby deleted in its entirety and the following is inserted in place thereof:

4. Selection of arbitrators. There shall be a panel of three arbitrators. One arbitrator shall be selected by each party, and the two arbitrators shall select a third arbitrator. Congress 7 and the BRA shall each submit to the other, or on or before May 15, 1989, their designations of their respective arbitrators. The third arbitrator shall be a certified public accountant affiliated with a major national accounting firm with at least five years experience in performing accounting services for major commercial real estate developments. The third arbitrator shall be selected on or before June 15, 1989. If said arbitrators have been unable to agree upon the identity of a third arbitrator on or before June 15, 1989, then either party may apply to the American Arbitration Association for the selection of such third arbitrator. Notwithstanding the qualifications for the third arbitrator set forth herein, Congress 7 and the BRA agree that a third arbitrator acceptable to both party-appointed arbitrators shall satisfy the requirements of this Paragraph 4.

2. Paragraph 6 of the Original Agreement is hereby deleted in its entirety and the following is inserted in place thereof:

6. Time for completion of arbitration. The parties agree to use their best efforts to commence and complete the arbitration proceeding in the shortest possible time. In no event shall the award of the arbitrators be rendered later than November 15, 1989 (the "Outside Date"); provided, however that the Outside Date shall be extended automatically for a period equal to the interval between June 15, 1989 and the date on which the third arbitrator is finally selected, whether by agreement between the party-appointed arbitrators or by the American Arbitration Association. In the event that the arbitrators shall not have rendered their award by the Outside Date, then this agreement shall be null and void and of no effect and the parties shall be left to their respective rights and obligations existing prior to the making of this agreement as if this agreement had not been made.

3. Except to the extent amended herein, the Original Agreement is hereby ratified and confirmed and continues in full force and effect.

Executed the date first above written.

BOSTON REDEVELOPMENT AUTHORITY

By: _____
Stephen Coyle, Director

CONGRESS 7 LIMITED PARTNERSHIP

By: _____
Richard H. Rubin,
Managing General Partner
Hereunto Duly Authorized

FLETCHER H. WILEY

Business Address:

BUDD, WILEY & RICHLIN, P.C.
75 Arlington Street
Boston, MA 02116
(617) 482-3300

Home Address:

29 Fort Avenue
Roxbury, MA 02119
(617) 427-5012

EDUCATION:

Fellow, Massachusetts International Fellows Program,
University of Massachusetts at Amherst and London Business
School (1984)

J.D., Harvard Law School (1974)

M.P.P., John F. Kennedy School of Government, Harvard
University (1974)

Completed coursework for Masters in American History at
Georgetown University (1968)

Fulbright Fellowship, International Relations, Institut Des
Etudes Politiques, University of Paris, France (1966)

B.S., United States Air Force Academy, cum laude (1965)

PROFESSIONAL
EXPERIENCE:

Budd, Wiley & Richlin, P.C. (1979-Present)

Managing Partner. Attorney concentrating in the
areas of corporate and commercial law, small busi-
ness development, public and private finance,
entertainment law, and real estate.

Unity Bank & Trust Company (January 1982-July 1982)

Conservator. Appointed by the Massachusetts Commissioner
of Banks to conserve the assets of the Unity Bank while
effecting the Bank's reorganization.

Alcoholic Beverages Control Commission, Commonwealth
of Massachusetts (1977-1981 and 1983-1984)

Commissioner. Gubernatorially appointed Commission
responsible for regulating and administering the
manufacture, sale, storage, import, export, and transport
of alcoholic beverages in the Commonwealth.

Snyder, Tepper & Berlin (1978-1979)

Associate Attorney. Attorney concentrating in the areas of corporate and commercial law, small business development, and real estate.

Fine & Ambroque (1975-1978)

Associate Attorney. Attorney concentrating in the areas of corporate law and small business development.

Abt Associates, Inc. (1972-1975)

Managerial Experience (1974-1975)

- Deputy Area Manager for Administration and Personnel, Social Experimentation and Research Area (1974-1975). Responsible for the coordination and allocation of personnel and materiel resources; and, a shared responsibility for allocating Area finances.

Project Management and Technical Experience (1972-1975)

- Director of Field Operations (1974). Responsible for the administration and coordination of the various data collection activities associated with an evaluation of eight demonstration agencies participating in a HUD-funded experiment.
- Analyst (1972). Provided technical assistance to the administrative agencies under study.
- Research Associate for Project Validation (1974). Provided research data and analysis for an LEAA-funded research project to validate and document various criminal justice programs proposed for replication in other jurisdictions.

Shearman & Sterling (1973)

Summer Law Associate. Summer legal clerk concentrating in the areas of corporate law and finance.

Democratic National Platform Committee (1972)

Special Assistant to the Chairman, Richard E. Neustadt. Rapporteur for regional hearings, and a shared responsibility for the supervision of administrative staff servicing the National Convention of the DNPC.

Department of Health, Education and Welfare (1971)

Consultant and Program Evaluator. Monitored a government-financed, privately conducted, research project designed to evaluate HEW programs and services from the consumer's viewpoint.

Office of the Massachusetts Attorney General, Civil Rights Division (1970-1971)

Law Clerk. Work-study fellowship program under the auspices of the Joint Center for Political Studies designed to familiarize Blacks with the operational aspects of public service and elected public offices.

Mark Battle Associates, Inc. (1970)

Associate. Consultant to private business and organizations as well as city, state and federal government officials and organizations.

Congressman Andrew Jacobs, Jr. (1970)

Consultant. Special consultant to the Honorable Andrew Jacobs, Jr. (Representative to 11th Indiana District). Contracted to conduct research and provide in-depth analyses; accumulate background material and information; and prepare special reports, newsletters, pamphlets, and magazine articles.

**MILITARY
EXPERIENCE:**

United States Air Force (1965-1969).

Commissioned June 9, 1965. Resigned Commission December 9, 1969, as a Captain and received an honorable discharge.

January 1969-December 1969. Special Investigations Officer, Counter-Intelligence Division, Office of Special Investigation (OSI), DO 45, Seoul, Korea.

June 1968-December 1968. Selected by the Defense Department (DOD) for special assignment to Pentagon to plan, coordinate, and conduct a research project concerning the impact of racial integration in the military on overall American Society.

October 1966-June 1968. Special Investigation Officer, OSI, Criminal Division and Personnel Security Background Investigations Division, DO 4, Washington, D.C.

September 1965-September 1966. Student under the auspices of a Fulbright Fellowship in Paris, France. Examined French colonial policy with regard to her African colonies.

HONORS:

Appointed by the Governor of Massachusetts to Chair the Commission on Minority Business Development (1987)
Elected as Member of the Massachusetts Delegation to the White House Conference on Small Business (1986)
Appointed by the Mayor of Boston to the Mayor's Management Review Committee (1985)
Appointed by the Governor of Massachusetts to Chair the Governor's Special Commission on Minority Business Development (1985)
Fellow, Massachusetts International Fellows Program (1984)
Appointed by the Governor of Massachusetts to the Community Development Coordinating Council (1983)
Appointed by the Governor of Massachusetts to the Alcoholic Beverages Control Commission (1983)
Appointed by the Mayor of Boston to the Advisory Committee to the Commissioner of Assessing (1982)
Listed in "Who's Who in the East" (1981-1982)
Appointed by the Mayor of Boston to the Board of Directors, Economic Development and Industrial Corporation of Boston (1980, 1983, 1985 and 1988)
Appointed by the Governor of Massachusetts to the Governor's Advisory Committee on Veteran's Affairs (1980)
Selected as a Member of the Advisory Committee, Federal National Mortgage Association (1979-1981)
Selected as one of the Ten Outstanding Young Leaders of 1978 by the Boston Jaycees (1978)
Listed in "Who's Who Among Black Americans" (1977-Present)
Selected as one of the Outstanding Young Men of America by the U.S. Jaycees (1977)
Appointed by the Governor of Massachusetts to the Alcoholic Beverages Control Commission (1977)
Appointed by the Supreme Judicial Court to the Massachusetts Defenders Committee (1976)
Fellow, Joint Center for Political Studies (1970-1971)
Fulbright Fellow (1965-1966)

PROFESSIONAL
AFFILIATIONS:

Member of the Bars of the Commonwealth of
Massachusetts (1974) and the District of
Columbia (1975)
American Bar Association
Governing Committee Member, Forum on the
Entertainment and Sports Industries (1988-Present)
National Bar Association
Director, Region I (1976-1977)
Massachusetts Bar Association
Business Law Council (1981-1984)
Massachusetts Black Lawyers Association
President (1976-1978)
Treasurer (1974-1976)
Executive Committee (1975-1979)
Black Entertainment and Sports Lawyers Association
National President (1986-Present)
Board of Directors (1983-Present)
National Association of Securities
Professionals
Massachusetts Conveyancers Association
Greater Boston Chapter of the National Association
of Black Social Workers
Vice President (1974-1975)

ORGANIZATIONAL
AFFILIATIONS:

Boston Local Development Corporation
Member (1984-Present)
Brigham and Women's Hospital
Member (1985-1987)
The Crispus Attucks Children's Center, Inc.
Director and General Counsel (1975-Present)
Dana-Farber Cancer Institute
Board of Overseers (1978-1986)
Fort Hill Civic Association
Greater Boston Association of Black Executives, Inc.
Vice President (1978-1984)
Greater Boston Chamber of Commerce
Vice President (1986-Present)
Executive Committee (1985-Present)
Co-Chair, Small Business Committee (1984-1986)
Director (1980-Present)
Harvard Alumni Association
Director (1986-Present)
Harvard Law School Black Alumni Organization
Executive Council (1983-Present)
Assistant Treasurer (1983-Present)

The Hundred Club of Massachusetts, Inc.
J.F. Kennedy School of Government Alumni Assn.
 Vice Chairperson (1983-1984)
 Executive Council (1981-1985)
NAACP (Life Member)
New England Aquarium
 Board of Trustees (1982-1986)
Organization of Afro-American Veterans (Life Member)
Organization for Voter Education and Registration
 Director (1977-1979)
Peter Bent Brigham Hospital
 Board of Overseers (1978-1985)
Roxbury Highlands Neighborhood Association
Transitional Employment Enterprises, Inc.
 Chairman of the Board (1984-1985)
 Executive Committee (1979-1988)
 Director (1978-1988)
USAF Academy Association of Graduates (Life Member)
 Director (1977-1981)
 Chairman, Northeast Chapter (1979 - 1987)
USAF Academy Athletic Association (Life Member)
Urban League of Eastern Massachusetts



BLACKSTONE ST.

UNION ST.

HANOVER ST.

CONGRESS ST.

NEW SURFACE ST.

AIR RIGHTS PAREL

NEW CORRIDOR

NEW SUDBURY ST.

PHASE A

PHASE B/C



MEMORANDUM

April 27, 1989

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: RICHARD GARVER, ASSISTANT DIRECTOR FOR
SPECIAL PROJECTS
WILLIAM WHITNEY, ASSISTANT DIRECTOR FOR
DESIGN & DEVELOPMENT

SUBJECT: GOVERNMENT CENTER PROJECT, PARCEL 7-1

SUMMARY: THIS MEMORANDUM REQUESTS THE AUTHORITY'S APPROVAL OF AN AMENDMENT TO THE ARBITRATION AGREEMENT CONCERNING PARCEL 7-1 AND THE DESIGNATION OF FLETCHER H. WILEY AS THE AUTHORITY'S ARBITRATOR IN THIS MATTER.

On December 22, 1988, the Authority approved the designation of the Commonwealth of Massachusetts as the developer of Parcel 7-1 in the Government Center project for a multi-use public facility related to the Central Artery.

On February 13, 1989, the Authority executed an Arbitration Agreement relating to the Parcel 7-1 matter and designated Wayne A. Budd as its arbitrator. As you are aware, Wayne Budd has now been appointed as interim U. S. Attorney which necessitates revisions to the original time schedules that were outlined in the Agreement and also necessitates the appointment of a new arbitrator.

It is recommended that the Authority designate Fletcher H. Wiley of 75 Arlington Street, Boston, Massachusetts, as its arbitrator in accordance with the provisions of paragraph 4 of the Arbitration Agreement. A copy of Mr. Wiley's resume is attached.

It is hereby requested that the Authority authorize the Director to execute said Amendment to the Agreement, substantially in the form attached.

Appropriate votes follow:

VOTED: The Authority hereby approves the attached Amendment to the Arbitration Agreement and authorizes the Director to execute said Agreement on behalf of the Authority.

VOTED:

That the Authority hereby designates Fletcher H. Wiley, Esquire, of 75 Arlington Street, Boston, Massachusetts, as its arbitrator in accordance with the provisions of paragraph 4 of the Arbitration Agreement between Congress 7 Limited Partnership and the Authority.

